

## REMARKS / ARGUMENTS

This Office Action Response is accompanied by a request for a one-month extension of time. Accordingly, this Office Action Response is considered to be timely filed.

Claims 1 - 3 and 5 - 17 remain in the application. Claim 1 has been amended. Claim 4 has been deleted without prejudice. Accordingly, claims 5 - 7 have been amended to update the claim dependencies.

The Examiner has taken the position that claims 1 to 17 are anticipated in view of the reference entitled, "Transportation Engineering: Planning and Design", written by Paul H. Wright and Norman J. Ashford (referred to hereinafter as "Wright"). In particular, the Examiner stated that Wright teaches that the steps of claim 1 currently on file are standard practice in transportation design and that the limitations of a floating road and a bridge are within the scope of the discussion by Wright. The Examiner also made reference to the additional prior art references that teach road designs and bridge structures but were not relied upon.

The Applicant respectfully disagrees with the Examiner for the reasons set out below.

Claim 1 has been amended by adding the limitation that at least a portion of the area on which the road is located comprises a body of water proximate to the tract of land. The present invention, as claimed in amended claim 1, provides the advantage of reducing the number of roads in the city core, thereby minimizing the impact of traffic on the city core and particularly on the waterfront portion of the city core (see page 5, lines 4 - 7).

Wright discusses transportation engineering planning and design in general terms. In particular, Wright teaches that various criteria must be taken into account in transportation engineering such as topography, current land use, environmental and ecological effects, traffic volume. These factors are used to select design features to mitigate the impact of new roads on the environment and existing neighborhoods or cities. Wright teaches that it is preferable not to cause families to relocate and not to increase noise pollution when new roads are introduced. Wright also teaches that traffic volume and speeds as well as vehicle weights and dimensions affect the design of roadways. Wright further examines the influences on these factors in highway design. However, Wright only teaches the design of the road or highway, to accommodate an expected volume and composition of traffic as well as selecting the driving speed on the highway based on the terrain through which the highway passes. Wright does not teach the augmentation of an existing highway or roadway to service existing traffic loads. Furthermore, and most notably, Wright does not teach the use of a body of water to route traffic from populated areas. Wright simply teaches having to traverse existing bodies of water (see Figure 12 - 1 on page 402).

Accordingly, the Applicant respectfully submits that Wright does not disclose routing traffic from a tract of land to an area comprising a body of water proximate to the tract of land, as recited in amended claim 1. Wright simply teaches the traversal of a body of water (see Figure 12 - 1 on page 402), which does not provide the advantages of the present invention discussed above. Furthermore, Wright teaches that topography, soil condition and land use are criteria (see page 400) which must be considered in the design of a roadway. This clearly shows that Wright could not have been discussing the use of a body of water to support a roadway since topography, soil condition and land use refer to a portion of land rather than a portion of water. Accordingly, the Applicant submits that amended claim 1 is novel over Wright and respectfully requests that amended claim 1 be allowed. Furthermore, since claims 2, 3, 5, 6 and 7 either depend directly or indirectly from amended claim 1, the Applicant respectfully submits that claims 2, 3, 5, 6 and 7 are likewise patentable over the prior art and should be allowed.

Claim 8 is directed to a method of diverting at least a portion of traffic from a tract of land adjacent a body of water comprising locating a road offshore from the tract of land and linking the road to either end of the tract of land. The Applicant respectfully submits that claim 8 is novel over Wright for the reasons discussed with respect to claim 1 above. Furthermore, the Applicant respectfully submits that claims 9 to 12, which depend directly from claim 8, are also patentable over the cited prior art.

Claim 13 is directed to a method of at least partially freeing a waterfront from traffic comprising locating a road offshore from the waterfront and linking the road to either end of the waterfront. The Applicant respectfully submits that claim 13 is novel over Wright for the reasons discussed above. Furthermore, the Applicant respectfully submits that claims 14 to 17, which depend directly from claim 13, are patentable over the cited prior art.

#### Additional Art Made of Record

The Applicant has reviewed the additional art made of record, but not relied upon, and respectfully submits that these references are not applicable to the present invention as claimed.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned “**Version with markings to show changes made.**”

Conclusion

The Applicant submits that this is a complete response to the Examiner's action, and that favourable consideration be given to this application. Should the Examiner have anything further to discuss to bring this application into condition for allowance, the Applicant invites the Examiner to contact the undersigned by telephone. The Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

Bereskin & Parr

By   
\_\_\_\_\_  
Victor Krichker  
Registration No. 50,198  
(416) 957-1699

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the claims:**

Please amend claims 1, 5, 6 and 7 as follows:

1. (Amended) A method of routing traffic, comprising:

- a) identifying a tract of land from ~~where a road is needed~~ traffic is to be routed;
- b) identifying an area spaced from the tract of land, the area being suitable for supporting the ~~a road for routing the traffic, at least a portion of the area comprising at least a portion of a body of water located proximate to the tract of land~~;
- c) locating the road through the area to span the tract of land; and
- d) linking the road to either end of the tract of land.

5. (Amended) A method according to claim 41 wherein the road is generally parallel to a shoreline of the body of water and the tract of land.

6. (Amended) A method according to claim 41 wherein the road is a bridge.

7. (Amended) A method according to claim 41 wherein the road is a floating road.

Please delete claim 4 without prejudice.